

Remarks

Status of Claims

Applicants have amended Claim 4 to be independent. Additionally, Applicants have added new Claims 13-16 which depend from Claim 4. The subject matter of claims 13-16 is essentially the same as that found in claims 5, 8-10. Applicants have also added new claims 17-20. Claim 17 is a combination of the subject matter of claims 12 and 4. The subject matter of claims 18-20 is essentially the same as that found in claims 8-10. No new matter has been added.

Objection to Declaration

The Examiner indicated that the declaration in the present application is defective. The Examiner has requested a new declaration in compliance with 37 C.F.R. §1.167(a) identifying the application by application number and filing date. In response, Applicants submit that the current declaration does indicate the application number and filing date on the first page.

The Examiner also states that the declaration was defective because the title of the present application is not the same as the title in the submitted declaration. In response, rather than submitting a new declaration, Applicants have amended the title of the application to read "Improved Method for Packaging Passive Optoelectric Assemblies in a Limited Space". Applicants submit that this title is consistent with that specified in the current declaration, thus obviating the need to file a new declaration.

Allowed Subject Matter

Applicants gratefully acknowledge the Examiner's finding of allowable subject matter in Claim 4. Applicants have amended Claim 4 to put it in independent form. Additionally, Applicants have added additional new Claims 13 through 16, which depend from Claim 4.

Application No: 10/060,946

Attorney Docket No: 17634

Page 7

Applicants have also added new independent claim 17, which combines the subject matter of Claim 4 and Claim 12, and Claims 18-20 which depend from Claim 17. Applicants submit that these claims should be in condition for allowance.

Prior Art Rejections

The Examiner rejected Claims 1-3, 5-12 under 35 U.S.C. §103 as being unpatentable over the admitted prior art (APA) in view of Edera (U.S. Patent No. 5,457,764) and Debortoli et al. (U.S. Patent No. 5,067,784). Specifically, the Examiner stated that, although the APA indicated that the prior art lacked specialized compartments for containing individual add/drop filters in substantially similar or even hermaphroditic submodules, “Edera and Debortoli both disclose substantially similar submodules, each having one or more compartments for containing optical fibers, components and connectors for modularization purposes.” The Examiner states that “it would have been obvious for someone skilled in the art to provide substantially similar submodules, each having one or more compartments for containing individual add/drop filters in view of the teachings of Edera and Debortoli.”

In response, Applicants submit that the claimed invention is patentably distinct over the cited references and the APA.

Claimed Invention

The claimed invention provides for a tray for use in an add/drop module. The tray comprises two submodules, a first submodule and a second submodule. Each submodule has one or more compartments for containing individual add/drop filters. The first submodule contains a first plurality of add/drop filters, while the second submodule contains a second plurality of add/drop filters. By arranging the add/drop filters in two submodules which are joined to form a single tray, advantages of compactness and modularity are achieved. In a preferred embodiment, the submodules are hermaphroditic, allowing two identical submodules to mate with each other or to an intermediate module, thereby further exploiting

modularity. To minimize the height of the tray, each submodule preferably uses at least two compartments to house the add/drops, thereby spreading the add/drop components horizontally. These features and advantages are neither taught nor suggested in the cited prior art.

Prior Art

Debortoli

Debortoli discloses a planar connector holder for optical fibers with a storage facility for coiled fiber. Provisions are made within this holder to limit the minimum bend radius of the fibers stored within. The holder comprises a cover.

Debortoli does not disclose a holder comprising two submodules, each having compartments for holding add/drop filters. Furthermore, there is no disclosure that the submodules are similar or hermaphroditic. There is not even a disclosure in Debortoli of add/drops or other types of wavelength filtering components, much less specialized compartments in the submodule for containing them.

Edera

To the extent the applicants understand the reference, Edera appears to be disclosing a diffusion device for optical fiber ribbons. The device allows individual connection of all the fibers on a net side with those of on an apparatus side by means of optical connectors.¹ In this manner one fiber ribbon is divided into four single fibers. The device as disclosed comprises three levels. Each level is different and contributes a different feature to the overall package of the device.

¹Throughout Edera, reference is made to “semiconductors.” This term appears to be misapplied. We believe that, rather than “semiconductor,” “connector” or “optical connector” was intended.

Application No: 10/060,946

Attorney Docket No: 17634

Page 9

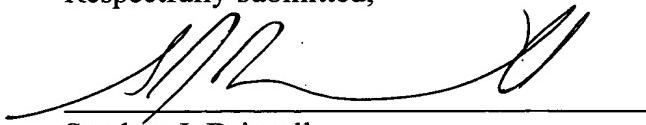
Edera does not disclose a subassembly comprising two submodules, each of which has one or more compartments for containing individual add/drop filters. There is not even a disclosure of add/drops or other types of wavelength filtering components. Furthermore, Edera does not disclosure a subassembly comprising two submodules which are substantially similar, not to mention hermaphroditic.

Argument

The combination of Debortoli, Edera, and the APA fails to teach or suggest all of the limitations of the claimed invention. It is well established that to support a *prima facie* showing of obviousness, the cited prior art must teach or suggest all of the claimed limitations. Here, significant differences exist between the claimed invention and the cited prior art. In particular, the prior does not disclose a tray for an add/drop module which comprises two submodules, not to mention submodules having compartments for holding add/drops, or submodules which are similar or hermaphroditic. Even if such features were known in the art, it is not clear to the applicants how one would go about modifying the devices of either of these references to provide a tray in accordance with the claimed invention. Since a *prima facie* case of obviousness has not been established, Applicants respectfully request that the examiner withdraw the rejection and allow the claims.

In light of the above remarks, an early and favorable response is earnestly requested.

Respectfully submitted,



Stephen J. Driscoll
Registration No. 37,564
The Whitaker Corporation
4550 New Linden Hill Road
Suite 140
Wilmington, DE 19808
Telephone: (302) 633-2763
Facsimile: (302) 633-2776

SJD/dl